



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,426	05/10/2001	Takeshi Kobayashi	P/1139-101	6776

7590 03/29/2006

STEVEN I. WEISBURD
DICKSTEIN, SHAPIRO, MORIN & OSHINSKY LLP
1177 AVENUE OF THE AMERICAS
41ST FLOOR
NEW YORK, NY 10036-2714

EXAMINER

TRAN, TUAN A

ART UNIT PAPER NUMBER

2618

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/853,426

Applicant(s)

KOBAYASHI, TAKESHI

Examiner

Tuan A. Tran

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 2-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Suso et al. (6,466,202).

Regarding claim 2, Suso discloses a folding portable communication unit (See figs. 1a-1d) which is composed of first and second cabinets 1, 2 and a hinge 5, 6, 7 for so supporting the first and second cabinets 1, 2 that they are rotational around the hinge 5, 6, 7 (See fig. 1d) comprising: first display/data-input means 11, 12a, 13a, 14a which displays a first information related to mobile telephone communication, inputs a first data related to the communication, and is situated on an obverse surface of the first and second cabinets 1, 2; second display/data-input means 10, 12b, 13b, 14b which displays a second information related to mobile telephone communication, inputs a second data related to the communication, and is situated on a rear cover of the first or second cabinets 1, 2, wherein the second information can be watched and the second data can be inputted by a user in case that the first and second cabinets 1, 2 are folded, the folding portable communication unit being operable to permit verbal telephone

Art Unit: 2682

telecommunication only in case that the first and second cabinets 1, 2 are in an open position (See figs. 1a-1d, 2a-2b, 3a and col. 4 line 5 to col. 5 line 9, col. 6 lines 21-52, col. 7 lines 19-47).

Regarding claims 3-5, Suso discloses as cited in claim 2. Suso further discloses the first and second cabinets 1, 2 include controlling functions, and are provided with control means which decides whether input information is to be displayed on the first display/data-input means 11, 12a, 13a, 14a or the second display/data-input means 10, 12b, 13b, 14b depending on a kind of the input information (See col. 4 lines 45-55, col. 5 lines 13-26, col. 6 lines 31-40), wherein the control means is further provided with means 21 for detecting whether the first and second cabinets 1, 2 are folded or not and decides whether the input information is to be displayed on the first display/data-input means 11, 12a, 13a, 14a or the second display/data-input means 10, 12b, 13b, 14b depending on a result of detection performed by the detecting means (See fig. 3a and col. 7 lines 1-5).

Regarding claim 6, Suso discloses as cited in claim 3. Suso further discloses the input information is displayed on the first display/data-input means 11, 12a, 13a, 14a in case that the input information is pictorial information (See fig. 3b and col. 5 lines 13-25, col. 6 lines 31-40, col. 7 lines 48-52).

Regarding claim 7, Suso discloses as cited in claim 3. Suso further discloses the control means further comprises means for displaying the input information on the second display/data-input means 10, 12b, 13b, 14b in accordance with instruction of the user (See col. 4 lines 48-55).

Art Unit: 2682

Regarding claim 8, Suso discloses as cited in claim 2. Suso further discloses a common display driver that drives both of the first and second displays (See col. 7 lines 1-5).

Regarding claim 9, Suso discloses as cited in claim 2. Suso further discloses the folding portable communication unit functions as a telephone when the portable communication unit is not folded (See fig. 3a and col. 7 lines 19-47), and is operable to perform a display for message function when the portable communication unit is folded (See col. 6 lines 31-40).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Imai (6,389,267); Reber et al. (6,418,325).

Response to Arguments

Applicant's arguments with respect to claims 2-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Tran whose telephone number is (571) 272-7858. The examiner can normally be reached on Mon-Fri, 10:00AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/853,426

Page 6

Art Unit: 2682

A handwritten signature in black ink, appearing to be 'Tuan Tran'.

Tuan Tran

A handwritten signature in black ink, appearing to be 'Matthew D. Anderson'.

Matthew D. Anderson
SPE of Art Unit 2618